

STATE OF SOUTH CAROLINA

(Caption of Case)

Waffle House, Inc. Complaint to the Public
Service Commission

222136
BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2010 - 79 - S

(Please type or print)

Submitted by: John M. S. Hoefer

SC Bar Number: 2549

Address: P.O. Box 8416
Columbia, SC 129202-8416

Telephone: 803-252-3300

Fax: 803-771-2410

Other: _____

Email: jhoefer@willoughbyhoefer.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input checked="" type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input checked="" type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

WILLOUGHBY & HOEFER, P.A.

ATTORNEYS & COUNSELORS AT LAW

930 RICHLAND STREET

P.O. BOX 8416

COLUMBIA, SOUTH CAROLINA 29202-8416

MITCHELL M. WILLOUGHBY
JOHN M.S. HOEFER
RANDOLPH R. LOWELL
ELIZABETH ZECK*
BENJAMIN P. MUSTIAN
MICHAEL R. BURCHSTEAD
ANDREW J. MACLEOD

AREA CODE 803
TELEPHONE 252-3300
TELECOPIER 256-8062

TRACEY C. GREEN
ALAN WILSON
SPECIAL COUNSEL

February 26, 2010

*ALSO ADMITTED IN TX

VIA HAND DELIVERY

The Honorable Jocelyn D. Boyd
Interim Chief Clerk / Administrator
**Public Service Commission of
South Carolina**
101 Executive Center Drive
Suite 100
Columbia, SC 29210

RE: Docket No. 2010-79-S

Dear Mrs. Boyd:

This firm represents Palmetto Utilities, Inc. ("PUI"). The February 24, 2010, complaint by Waffle House, Inc. ("Waffle"), signed by Frederick B. ("Rick") Tyler, Jr. on behalf of that entity, and assigned the above-referenced docket number, has been brought to the attention of PUI and it has requested that we address the propriety of this filing with the Commission.

Mr. Tyler's drafting and submission of this Complaint on behalf of Waffle would appear to constitute the unauthorized practice of law.¹ See 26 S.C. Code Ann. Regs. R. 103-805 and *In re Unauthorized Practice of Law Rules Proposed by the South Carolina Bar*, 309 S.C. 304, 422 S.E.2d 123 (1992). For this reason, PUI respectfully submits that the complaint should be returned to Waffle as not being cognizable under Commission rules and Supreme Court precedent.

Should Waffle engage South Carolina counsel and submit its complaint anew, PUI reserves its right to respond as appropriate.

(Continued...)

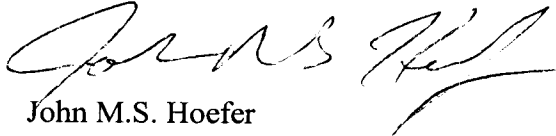
¹Counsel for PUI have consulted the 2009-2010 Lawyers Deskbook published by the South Carolina Bar and the South Carolina Bar's online directory and have determined therefrom that Mr. Tyler is not licensed to practice law in this state.

The Honorable Jocelyn D. Boyd
February 26, 2010
Page 2

If you have any questions, or need additional information, please do not hesitate to contact me. With best regards, I am

Sincerely,

WILLOUGHBY & HOEFER, P.A.



John M.S. Hoefer

JMSH/ccm

cc: Mr. Frederick B. ("Rick") Tyler, Jr.